

SENATE BILL No. 226

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-1-3-44; IC 7.1-3-12-4; IC 7.1-3-12-5.

Synopsis: Small wineries. Provides that a small winery may produce, bottle, and sell any wine. (Current law limits these activities to table wine only.) Removes the 100,000 gallon limitation on a small winery's annual production.

Effective: July 1, 1999.

Simpson, Nugent

January 6, 1999, read first time and referred to Committee on Agriculture and Small Business.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 226

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-1-3-44 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 44. ~~Small Winery~~. The
3 term "small winery" means a commercial winemaking establishment
4 that produces ~~table wine in an amount allowed by IC 1971, 7.1-3-12-4,~~
5 from products allowed by ~~that section~~. **IC 7.1-3-12-4.**

6 SECTION 2. IC 7.1-3-12-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~Small Winery~~.
8 ~~General Requirements~~. (a) In order to be considered a "small winery"
9 within the meaning of this title and to be eligible to receive a small
10 winery permit, a wine-making establishment ~~shall meet the following~~
11 ~~requirements~~:

12 (1) ~~It shall must~~ produce ~~table~~ wine from grapes, other fruits, or
13 honey produced in this state. ~~and;~~

14 (2) ~~Its annual production of table wine shall not exceed one~~
15 ~~hundred thousand (100,000) gallons~~:

16 (b) Table wine that is shipped by the winery outside the state and
17 that involves a change of ownership may not be considered as part of



1 the winery's annual production for purposes of subsection (a)(2).

2 SECTION 3. IC 7.1-3-12-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The holder of a
4 small winery permit:

5 (1) is entitled to manufacture ~~table~~ wine to bottle wine, and to
6 bottle ~~table~~ wine produced by the permit holder's small winery;

7 (2) is entitled to serve complimentary samples of the winery's
8 ~~table~~ wine on the licensed premises;

9 (3) is entitled to sell the winery's ~~table~~ wine on the licensed
10 premises to consumers either by the glass, or by the bottle, or
11 both;

12 (4) is entitled to sell ~~table~~ wine by the bottle or by the case to a
13 person who is the holder of a permit to sell wine at either
14 wholesale or retail;

15 (5) is exempt from the provisions of IC 7.1-3-14; and

16 (6) is entitled to advertise the name and address of any retailer or
17 dealer who sells wine produced by the permit holder's winery.

18 (b) With the approval of the commission, a holder of a permit under
19 this chapter may conduct business at a second location that is separate
20 from the winery. At the second location, the holder of a permit may
21 conduct any business that is authorized at the first location, except for
22 the manufacturing or bottling of wine.

23 (c) With the approval of the commission, a holder of a permit under
24 this chapter may, individually or with other permit holders under this
25 chapter, participate in a trade show or an exposition at which products
26 of each permit holder participant are displayed, promoted, and sold.
27 The commission may not grant approval under this subsection to a
28 holder of a permit under this chapter:

29 (1) more than three (3) times in a calendar year; and

30 (2) for more than three (3) days for each event.

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